



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1998

Ms. Tamara Armstrong
Assistant County Attorney
County of Travis
314 W. 11th Street, Suite 300
Austin, Texas 78767

OR98-1647

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116489.

The Travis County Purchasing Office received a request for the "written 'Chemical Test Analysis/Report,' which was submitted to your office by Ecolab, Inc." You state that the requested information may be confidential proprietary information that must be withheld under section 552.110 of the Government Code. Gov't Code § 552.305. You raise no exception to disclosure on behalf of the county. You have submitted the requested information for our review.

Since the property and privacy rights of a third party may be implicated by the release of the requested information, this office notified Ecolab, Inc. about the request for information. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). Ecolab, Inc. did not respond to our notice. Because Ecolab, Inc. did not respond to our notice, and you make only general, conclusory arguments under section 552.110, we cannot conclude that requested information is excepted from disclosure. *See* Open Records Decision Nos. 639 (1996) at 4 (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 (1990) at 5 (party must establish prima facie case that information is trade secret), 542 (1990) at 3. The information submitted by Ecolab, Inc. must, therefore, be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 116489

Enclosures: Submitted documents

cc: Mr. Bryce Alsup
System
5407-A Clay Avenue
Austin, Texas 78756-2008
(w/o enclosures)